

REMARKS

Claims 1, 3 and 4 are pending in the application. Claims 1-4 stand rejected in the referenced office action. Claims 1 and 4 have been amended. No new matter has been added. Claim 2 has been canceled.

Claim Rejections - 35 USC § 112

Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Applicant has amended claim 1 as set forth above to address the rejection.

Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. 112, first paragraph.

Claim Rejections - 35 USC § 103

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Botos et al. (4,031,887, hereinafter "Botos") in view of Hill et al. (6,629,525, hereinafter "Hill"). Claim 1 is independent.

Amended claim 1 recites

A portable breathing apparatus comprising a face mask having a demand valve, a blower for the supply of breathing air from an external ambient source to the demand valve via a supply line, a filter device for cleaning of the breathing air from the blower, wherein the filter device comprises two filter units connected in parallel which enable a divided filtering of air flow from the blower, and a compressed-air reservoir for alternative supply of breathing air to the demand valve, wherein the demand valve is configured to supply pressure equal to or above an ambient pressure, a check valve is arranged on the upstream side of the blower, and the compressed-air reservoir is provided with a pressure control valve for establishing an overpressure above the ambient pressure in the entire breathing system so that gas or liquid from the surroundings cannot penetrate into the system when breathing gas is supplied from the compressed-air reservoir.

The cited art fails to teach or suggest each element of amended claim 1. Specifically, the cited art fails to disclose a portable breathing apparatus that includes a filter device “wherein the filter device comprises two filter units connected in parallel which enable a divided filtering of air flow from the blower.”

In contrast, Botos disclose a breathing apparatus that is used under water or in noxious environments, wherein the apparatus uses a dosing bottle to provide pressurized gas.

Thus, Botos fails to teach or suggest at least one element of amended claim 1.

Hill is cited for providing an apparatus for a blower. Thus, Hill fails to cure Botos’ deficiencies.

Therefore, the cited art fails to teach or suggest each element of amended independent claim 1. Accordingly, Applicant submits that claim 1 is not obvious in view of Botos, Hill and any other cited art, either separately or in hypothetical combination.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Botos and Hill, in view of Wallen (6,035,851, hereinafter “Wallen”). Claims 3-4 depend from amended claim 1.

Wallen discloses a filter in a supply line to a patient and a filter in an expiration line from the patient, where the filters are in series. Thus, Wallen fails to cure the deficiencies of Botos and Hill discussed above.

Therefore, dependent claims 3-4 are patentable for at least the reasons provided above with respect to amended independent claim 1. Accordingly, Applicant submits that claims 3-4 are not obvious over the cited references.

CONCLUSION

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 06-1130 (TPA0001US).

Respectfully submitted,

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